

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 05-0917 (DSD/JJG)

ELMER J. KOHNEN,

Plaintiff,

v.

REPORT & RECOMMENDATION

JO ANNE B. BARNHART,
Commissioner of Social Security

Defendant.

The complaint in this case was filed on May 12, 2005. When no proof of service or answer was filed or other appearance made within the time required by the rules, the court issued an order on October 24, 2005, which by its terms required plaintiff to file with the Court a proof of service of this Complaint no later than November 14, 2005.

To date, plaintiff has not complied with the terms of that order.

Based upon the foregoing, IT IS RECOMMENDED that the case be **DISMISSED** for lack of prosecution.

DATED: November 22, 2005

s/Jeanne J. Graham

JEANNE J. GRAHAM
U.S. Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by December 12, 2005. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.